



PATENT

Docket No. 265.00090101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Pasricha et al.)	Group Art Unit:	1632
)		
Serial No.: 09/834,110)	Examiner:	Joseph Woitach
Confirmation No.: 5306)		
)		
Filed: April 12, 2001)		
)		
For:)	<u>TREATMENT OF DISORDERS BY IMPLANTING STEM CELLS AND/OR PROGENY THEREOF INTO GASTROINTESTINAL ORGANS</u>	

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X Small Entity Status is entitled to be asserted in the above-identified application.

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September 8, 2004
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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
Mail Stop ISSUE FEE
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Notice of Allowance with its enclosed Examiner's Statement of Reasons for Allowance, mailed June 8, 2004, has been received and renewed. Applicants provide the following comments on the Examiner's Statement of Reasons for Allowance.

Telephonic interviews were held between Examiner Joseph Voitach and Applicants' Representative, Nancy Johnson, on March 11, 2004 and March 18, 2004. In these conversations, Examiner Voitach indicated that claims drawn to implanting isolated embryonic neural stem cells directly into the gastrointestinal alimentary tract of a subject, wherein the implanted embryonic neural stem cells produce nitric oxide, would be allowable. Examiner Voitach is thanked for the courtesy of initiating these telephone conversations.

Applicants thank the Examiner for the withdrawing of the election of species requirement. Applicants agree with the Examiner's statement that "[t]he search and consideration of the method encompassed by the pending claims would be coextensive for any type of disorder of the gastrointestinal alimentary tract as long as the disorder is associated with lower levels of nitric oxide" (Notice of Allowance, mailed June 8, 2004). However, Applicants do not understand the Examiner's extremely broad statement that "any type of disorder known in

Comments on Statement for Reasons of Allowance

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Serial No. 09/834,110

Filed: April 12, 2001

Allowed: June 8, 2004

Title: TREATMENT OF DISORDERS BY IMPLANTING STEM CELLS AND/OR PROGENY THEREOF INTO GASTROINTESTINAL ORGANS

the art associated with lower levels of nitric oxide" would be an obvious target for treatment by the presently claimed methods (Notice of Allowance, mailed June 8, 2004). This is not necessarily relevant to the allowed claims and we reserve the right to address this statement in a continuing application.

With the Reasons for Allowance, the Examiner asserted that amending "the claims to delete 'progeny thereof' and more specifically defining the stem cell delivered and the result of providing NO has differentiated the claimed method from that disclosed by Huo *et al.* and Keller *et al.* (Notice of Allowance, mailed June 8, 2004). For reasons already of record (see Amendment and Response filed July 25, 2004, pages 14-15, and Amendment and Response filed March 18, 2004, pages 7-8), Applicants continue to respectfully submit that the method of claims 21, 22, 25, 26, 28-32, as originally presented, are not anticipated by either Huo *et al.* or Keller *et al.*

Respectfully submitted for
Pasricha et al.

By
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By: Sam E. Dison
Name: SAM E. DISON